

**ORIGINAL**

**FILED**

August 2 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Case No: DA10-0354

Cheryl E. Upshaw  
P.O. Box 1186  
Manhattan, MT 59741  
Phone: (406) 223-2777  
[soupbone409@hotmail.com](mailto:soupbone409@hotmail.com)  
Appellee/Cross-Appellant, Pro Se

THOMAS AYER,

Appellant/Cross-Appellee,

v.

CHERYL UPSHAW,

Appellee/Cross-Appellant.

**FILED**

AUG 02 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

NOTICE OF CROSS-APPEAL

NOTICE is given that Cheryl Upshaw, the Cross-Appellant above-named and who is the Petitioner in that cause of action filed in the Eighteenth Judicial District, in and for the County of Gallatin, as Cause No. DR-05-300B, hereby cross-appeals to the Supreme Court of the State of Montana from the final judgment or order entered in such action on the 17<sup>th</sup> day of May, 2010.

THE CROSS-APPELLANT FURTHER CERTIFIES:

1. That this cross-appeal is subject to the mediation process required by M.R. App. P.7.

The money judgment being sought is not less than \$5,000.

2. That this cross-appeal is not an appeal from an order certified as final under M.R. Civ.P. 54(b). If this is such an appeal, a true copy of the District Court's certification order is

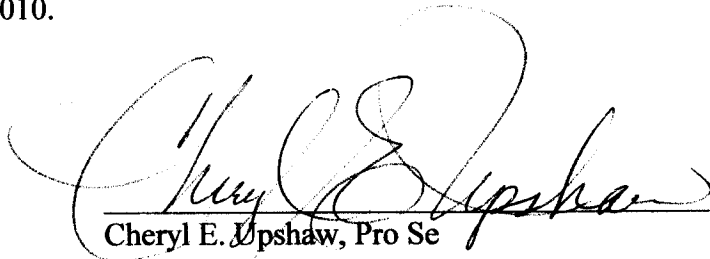
attached hereto as Exhibit "A".

3. That the notice required by M.R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.

4. That all available transcripts of the proceedings in this cause involving the issues cross-appealed have been ordered from the court reporter contemporaneously by Appellant, together with the filing of his notice of appeal. That Cross-Appellant has complied with the provisions of M.R. App. P. 8(3) contemporaneously with the filing of this notice of cross-appeal.

5. That included herewith is the filing fee prescribed by statute, or the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3.

Dated this 30th day of July, 2010.



Cheryl E. Upshaw, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the forgoing NOTICE OF CROSS-APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF CROSS-APPEAL upon the Clerk of the District Court, each attorney of record, each court reporter from whom a transcript will be ordered, and

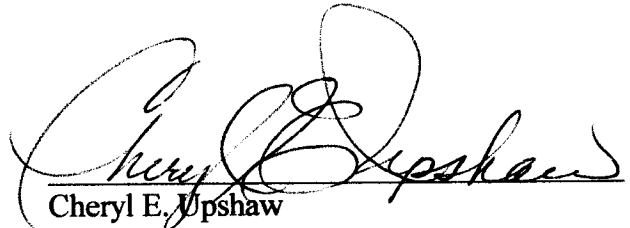
each party not represented by an attorney in the above-referenced District Court action, as follows:

Dated this 30th day of July, 2010.

Christopher J. Gillette  
11 East Main St., Ste C  
Bozeman, MT 59715  
Attorney for Appellant/Cross-Appellee

Gallatin County Clerk of District Court  
Jennifer Brandon  
615 S. 16<sup>th</sup> Ave., Rm 302  
Bozeman, MT 85715

Court Reporter of Gallatin County, Judge Mike Salvagni  
Tami McNulty  
615 South 16<sup>th</sup> Ave., Rm 207  
Bozeman, MT 59715



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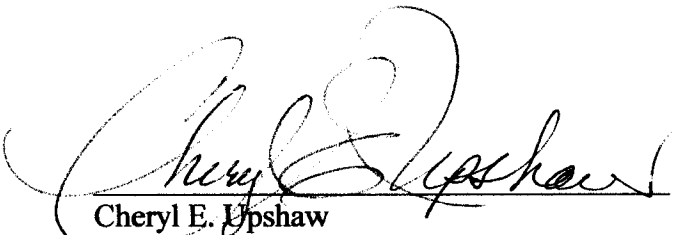
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